APPENDIX — RULE INVOLVED

Eighth Circuit Rule 35A. Hearing and Rehearing En Banc

Petition for En Banc Disposition. A petition must not refer to or adopt by reference any matter from other briefs or motions in the case.

(1) Number. A party seeking an en banc proceeding must file 21 copies of a petition for hearing or rehearing en banc.

(2) Frivolous Petitions; Costs Assessed. The court may assess costs against counsel who files a frivolous petition for rehearing en banc deemed to have multiplied the proceedings in the case and to have increased costs unreasonably and vexatiously. At the court's order, counsel personally may be required to pay those costs to the opposing party. *See* 28 U.S.C. § 1927.